

REMARKS

At the outset, the Examiner is thanked for the thorough review and consideration of the pending application. The Office Action dated April 25, 2007 has been received and its contents carefully reviewed.

Claims 1-3 are hereby amended. Support for the claim amendments can be found at least in paragraphs [0056]-[0059]. No new matter was added. Accordingly, claims 1-23 are currently pending. Of those, claims 16-23 have been withdrawn from prosecution. Reexamination and reconsideration of the pending claims is respectfully requested.

The Office has rejected claim 3 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out the claimed invention. Office Action at ¶ 4. The Examiner contends that the phrases “which meets required mechanical properties” or “which meets vibration attenuation characteristic” are vague and indefinite. Applicants have amended claim 3 and it is submitted that the amendment overcomes any indefiniteness in the claims. Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. § 112, second paragraph rejection of claim 3.

The Office has rejected claims 1-3 and 13-14 under 35 U.S.C. § 102(b) as being anticipated by Japanese Publication No. 11-164986 to Shunichi *et al.* (hereinafter *Shunichi*). Office Action at ¶ 6. *Shunichi* fails to disclose at least a “leg pad [that] includes:
a first member in contact with a floor having the washing machine installed thereon, and
a second member in contact with the first member, wherein
one of the first member and the second member is formed of a block copolymer of hard blocks and soft blocks, and
the other one of the first member and the second member is formed of a second material.

as recited in independent claim 1.

Here the subject matter of claim 1 is to solve a technical problem that is generated when the leg pad is configured of only the block copolymer. In other words, because the block copolymer may undergo plastic deformation over time, degradation vibration attenuation can

result when the leg pad is configured of only the block copolymer. Accordingly, as is recited in claim 1, the leg pad further includes a member formed of other material for preventing the degradation vibration attenuation of the block copolymer. See Specification at ¶ 0056.

Shunichi is directed to a drum type washing machine support system comprising a “fixing leg 32,” and a “leg rubber 30” having a portion of “low hardness 28” that “wrap[s] the outer surface” of a second portion having a “high hardness 29.” See *Shunichi* at English abstract. *Shunichi* discloses only a low hardness rubber member and high hardness rubber member. There is no disclosure in *Shunichi*, either expressly or inherently, that one of the members is “formed of a block copolymer of hard blocks and soft blocks” while the other member is formed of a “second material” as recited in claim 1. Moreover, the Office has not even attempted to show that any portion of *Shunichi*’s pad is made of a “block copolymer of hard blocks and soft blocks” as recited in claim 1. The abstract provided in *Shunichi* states only that the material used is “rubber,” which is not inherently a block copolymer, and certainly not inherently a “block copolymer of hard blocks and soft blocks,” as recited in claim 1. For at least these reasons it is submitted that *Shunichi* fails to anticipate the invention as claimed.

Applicants respectfully submit that claim 1 is patentably distinguishable over the *Shunichi*. Claims 2-3 and 13-14, which depend either directly or indirectly from claim 1, are also patentably distinguishable for at least the same reasons as discussed above. Accordingly, Applicants respectfully request that the Office withdraw the 35 U.S.C. § 102(b) rejection of claims 1-3 and 13-14.

The Office has rejected claims 4-7 under 35 U.S.C. § 103(a) as being unpatentable over *Shunichi* in view of U.S. Patent No. 6,746,780 to Rieger *et al.* (hereinafter *Rieger*). Office Action at ¶ 10. As stated above, *Shunichi* fails to disclose at least *Shunichi* fails to disclose at least a “leg pad [that] includes:

- a first member in contact with a floor having the washing machine installed thereon, and
- a second member in contact with the first member, wherein one of the first member and the second member is formed of a block copolymer of hard blocks and soft blocks, and

the other one of the first member and the second member is formed of a second material.

as recited in independent claim as recited in claims 4-7 by virtue of their dependencies from independent claim 1. *Rieger* fails to cure the deficiencies of *Shunichi*.

Rieger relates to articles comprising bodies of elastic polymeric material. *Rieger* at Abstract. *Reiger* describes polyolefinic homopolymer materials. As described by Reiger:

The term "polyolefinic homopolymer" as used herein refers to those polyolefins which comprise only one phase of molecules all of which exhibiting a similar stereochemical configuration. For example, blends of atactic and isotactic polymers where the two phases have polymerized simultaneously are excluded when this term is used. The term homopolymer includes copolymers where all molecules exhibit a similar stereochemical configuration.

Rieger at col. 2, lines 60-67. *Rieger* fails to describe at least a "block copolymer of hard blocks and soft blocks" or the "leg pad" as recited in claim 1. Indeed, *Rieger* was not offered for such a disclosure, rather *Rieger* was offered by the Office for its purported disclosure of "material detail such as the types of polymers or the properties associated therewith" Office Action at p.5.

For at least the above-recited reasons, Applicants respectfully submit that claim 1 is patentably distinguishable over the *Shunichi* in view of *Rieger*. Claims 4-7, which depend either directly or indirectly from claim 1, are also patentably distinguishable for at least the same reasons as discussed above. Accordingly, Applicants respectfully request that the Office withdraw the 35 U.S.C. § 103(a) rejection of claims 4-7.

The Office has rejected claims 8-10 and 15 under 35 U.S.C. § 103(a) as being unpatentable over *Shunichi* in view of JP 5-117491 to Yamamoto (hereinafter *Yamamoto*). Office Action at ¶ 11. As stated above, *Shunichi* fails to disclose at least *Shunichi* fails to disclose at least a "leg pad [that] includes:

- a first member in contact with a floor having the washing machine installed thereon, and
- a second member in contact with the first member, wherein

one of the first member and the second member is formed of a block copolymer of hard blocks and soft blocks, and

the other one of the first member and the second member is formed of a second material.

as recited in claims 8-10, and 15 by virtue of their dependencies from independent claim 1.

Yamamoto fails to cure the deficiencies of *Shunichi*. Here the subject matter of claim 1 is to solve a technical problem that is generated when the leg pad is configured of only the block copolymer. In other words, because the block copolymer may undergo plastic deformation over time, degradation vibration attenuation can result when the leg pad is configured of only the block copolymer. Accordingly, as is recited in claim 1, the leg pad further includes a member formed of other material for preventing the degradation vibration attenuation of the block copolymer. However, *Yamamoto* only discloses the technical feature that the copolymer includes a vibration damping material for improving the vibration attenuation of the copolymer. Therefore, Applicant asserts that the technical feature taught by *Yamamoto* is clearly different than the subject matter of claim 1.

Applicant notes that the Office may have asserted Official Notice that "the use of diblock and triblock polymers are common knowledge in the art and using plural blocks would have been an obvious modification." See Office Action at ¶ 11, p.6. Official Notice unsupported by documentary evidence should only be taken by the Examiner where the facts asserted to be well-known, or to be common knowledge in the art are capable of instant and unquestionable demonstration as being well-known. See MPEP 2144.03(A). It is never appropriate to rely solely on "common knowledge" in the art without evidentiary support in the record, as the principal evidence upon which a rejection was based. *Zurko*, 258 F.3d 1379, 1385, (Fed. Cir. 2001) ("[T]he Board cannot simply reach conclusions based on its own understanding or experience or on its assessment of what would be basic knowledge or common sense. Rather, the Board must point to some concrete evidence in the record in support of these findings."). In the instant case there is no teaching or suggestion in *Shunichi* or *Yamamoto*, or apparent knowledge in the art, that diblock and triblock polymers are common knowledge. To implement such materials is not well-known or obvious in the related art. Applicant requests the Office support the apparent assertion of Official Notice with adequate documentary evidence. See MPEP 2144.03(C).

For at least the above-recited reasons, Applicants respectfully submit that claim 1 is patentably distinguishable over the *Shunichi* in view of *Yamamoto*. Claims 8-10 and 15, which depend either directly or indirectly from claim 1, are also patentably distinguishable for at least the same reasons as discussed above. Accordingly, Applicants respectfully request that the Office withdraw the 35 U.S.C. § 103(a) rejection of claims 8-10 and 15.

The Office has rejected claims 11-12 under 35 U.S.C. § 103(a) as being unpatentable over *Shunichi* in view of U.S. Patent No. 6,028,147 to Ogawa *et al.* (hereinafter *Ogawa*). Office Action at ¶ 12. As stated above, *Shunichi* fails to disclose at least a “leg pad [that] is formed of block copolymer of hard blocks and soft blocks and defines a horizontal planar surface that is substantially continuous across a length extending from a first edge of the leg pad to a second edge of the leg pad,” as recited in claims 11-12 by virtue of their dependencies from independent claim 1. *Ogawa* fails to cure the deficiencies of *Shunichi*. Indeed, *Ogawa* was offered by the Office for its purported teaching of knowledge “in the polymer manufacturing art to apply an elastomeric block polymer with damping properties using conventional adhesive means including insert molding.” *Id.*

For at least the above-recited reasons, Applicants respectfully submit that claim 1 is patentably distinguishable over *Shunichi* in view of *Ogawa*. Claims 11-12, which depend either directly or indirectly from claim 1, are also patentably distinguishable for at least the same reasons as discussed above. Accordingly, Applicants respectfully request that the Office withdraw the 35 U.S.C. § 103(a) rejection of claims 11-12.

Applicants believe the application in condition for allowance and early, favorable action is respectfully solicited.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. § 1.136, and any additional fees required under 37

C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911. A duplicate copy of this sheet is enclosed.

Dated: August 27, 2007

Respectfully submitted,

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